

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00167-02

JAMIE L. FOSTER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 29, 2020, the United States of America appeared by M. Ryan Blackwell, Assistant United States Attorney, and the defendant, Jamie L. Foster, appeared in person and by her counsel, Rachel E. Zimarowski, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a 2-year term of supervised release in this action on October 20, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on September 24, 2018.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by her admission to the probation officer on January 28, 2020, that she had used heroin six to seven times beginning on or about November 28, 2019, and continuing until January 21, 2020; her admission to the probation officer on March 11, 2020, that she had smoked heroin approximately three days prior; her admission to the probation officer on May 25, 2020, that she had been using heroin consistently for several days with the last use occurring approximately three days prior to the conversation; (2) the defendant failed to participate in and successfully complete the Recovery Point residential treatment program as instructed by the probation officer inasmuch as she entered the program on March 11, 2020, and left the program on March 19, 2020, on her own accord and against the advice of program staff, she was deemed a program failure and discharged from the program; (3) the defendant failed to report for urine screens on May 20 and June 11, 2020, as well as individual substance abuse counseling on May 22, 2020, as instructed by the probation officer on

April 7, 2020; and (4) the defendant failed to follow the instructions of the probation officer inasmuch as she contacted the probation officer on May 27, 2020, and indicated that she was entering a detoxification program that same date at which time the probation officer instructed her to successfully complete the 5 to 7-day program; however, on June 1, 2020, the offender left the detoxification program against medical advice and failed to complete the detoxification program; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

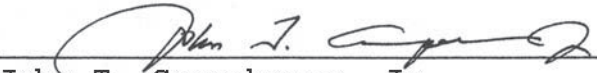
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to

the extent set forth below, it is accordingly ORDERED that the defendant be, and she hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, with no further term of supervised release imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 30, 2020



John T. Copenhaver, Jr.
Senior United States District Judge